

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

IN RE:
RANDY HAROLD BAKER,

Debtor.

CASE NO. 3:15-bk-33764-SHB
Chapter 13

NOTICE OF HEARING

Notice is hereby given:

A hearing will be held on March 2, 2016 at 9:00 a.m. in Courtroom 1-C, First Floor, Howard H. Baker, Jr. United States Courthouse, 800 Market Street, Suite 330, Knoxville, TN 37902.

If you do not want the court to grant the relief requested, you or your attorney must attend this hearing. If you do not attend the hearing, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

**MOTION OF NEWPORT FEDERAL BANK
TO MODIFY AUTOMATIC STAY**

Newport Federal Bank ("Bank"), by and through counsel, moves the Court to modify the automatic stay of 11 U.S.C. § 362 and states the following in support thereof:

1. This Chapter 13 case was filed on December 28, 2015 and Gwendolyn M. Kerney is the duly appointed and acting Trustee in the case.

2. Movant holds a duly recorded deed of trust encumbering the Debtor's real property located at 3132 and 3134 School Street, White Pine, TN. A copy of the note and deed of trust are attached hereto as **Exhibit A**.

3. The balance owed on the debt described in paragraph 2 hereof, as of the date of the petition, was \$159,636.90. The Debtor's plan provides for surrender of the property in full satisfaction of the debt. The Bank, by and through counsel, filed an objection to plan confirmation, on January 22, 2016, recorded as document number 19, but that objection relates to the Debtor's attempt to surrender the property in full satisfaction of the loan balance. The objection is not waived by the filing of this motion.

4. Because the Debtor's plan provides for the surrender of the property, the Bank avers that cause exists to modify the automatic stay of 11 U.S.C. § 362 in order to permit the Bank to foreclose its deed of trust in accordance with the terms of said deed of trust and

applicable law.

5. The Bank further requests that any order entered pursuant to this motion provide that the 14-day stay is inapplicable.

WHEREFORE, Newport Federal Bank respectfully requests the entry of an Order modifying the automatic stay.

/s/Thomas H. Dickenson
Thomas H. Dickenson (State Bar No. 006844)
Attorney for Newport Federal Bank
HODGES, DOUGHTY & CARSON, PLLC
P.O. Box 869
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(865) 292-2307

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the **Motion to Modify Automatic Stay and Order to Modify Automatic Stay**, including actual copies of the attachments or their pertinent excerpts, and **Notice of Hearing** has been served upon the following individuals by placing same in the U.S. Mail postage prepaid (USM) or electronically (ECF):

Randy Harold Baker (USM)
353 Poplar Grove Road
Harrogate, TN 37752

Richard M. Mayer (ECF)
1111 Northshore Drive S-570
Knoxville, TN 37919

Gwendolyn M. Kerney (ECF)
P.O. Box 228
Knoxville, TN 37901

This the 5th day of February 2016.

/s/Thomas H. Dickenson
THOMAS H. DICKENSON